

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 20-0217

WHEREAS, The City and County of San Francisco (City) owns certain real property under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) constituting approximately 20 acres of underutilized unimproved agricultural property designated as Assessor Parcel No. 096-0090-005-11 in the unincorporated Town of Sunol in Alameda County, California (Property). The Property is unimproved, except for a water well and fencing; and

WHEREAS, The Property is part of the SFPUC's acquisition of the former 786.63-acre Wool Ranch (Former Wool Ranch), pursuant to that certain deed recorded on November 13, 2019, in the Official Records of Alameda County. The Property is not considered primary watershed land; and

WHEREAS, Because the Former Wool Ranch owners would not sell their ranch to the City unless the City also acquired the Property, the City purchased the Property as part of the Former Wool Ranch purchase even though it had no use for the Property; and

WHEREAS, The SFPUC has no utility purpose for the Property and proposes to sell the Property to raise needed funds for the Water Enterprise. SFPUC management executed a statement of underutilization for the Property dated January 13, 2020; and

WHEREAS, The notice requirements of the State Surplus Lands Act (as amended by Assembly Bill 1486 as of January 1, 2020) are not applicable here because the proposed conveyance of the Property constitutes a transfer of land from one local agency to another local agency for that local agency's use; and

WHEREAS, Per Section 23.3 of the Administrative Code, the City may convey the Property to the East Bay Regional Park District (Park District) without a competitive bidding process if the Board of Supervisors determines a competitive process "is impractical, impossible, or is otherwise not in the public interest, including, for example only and not by way of limitation, when the Real Property is not capable of independent development, will be exchanged for other Real Property, or when the Board determines that a negotiated direct Conveyance of the Real Property will further a public purpose." (S.F. Admin. Code Sec. 23.3); and

WHEREAS, This Commission finds that in this case, a competitive bidding process is impractical because the Property is landlocked by the Park District's adjacent lands and there is no possible party other than the Park District to which the City, through the SFPUC, may convey the Property. The Park District's adjoining property is designated as parkland and the Park District intends to integrate the Property into its neighboring parkland, which furthers a public purpose; and

WHEREAS, A City-hired MAI appraiser, Mateo Advisors, LLC, appraised the fair market value of the Property as of March 25, 2020 at \$500,000 and the City's Director of Property approved the appraisal on September 24, 2020; and

WHEREAS, On September 3, 2020, the Park District agreed to purchase the Property for \$500,000 pursuant to the terms of an Agreement for Sale of Real Estate (Sale Agreement); and

WHEREAS, City, through the SFPUC, will sell the Property to the Park District “as is-where is basis”; and

WHEREAS, This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378 because there would be no physical change in the environment; now, therefore, be it

RESOLVED, That this Commission finds, in consideration of the foregoing and in accordance with Charter Section 8B.121(e), that the Property is surplus to the SFPUC’s utility needs and not necessary for the SFPUC’s use; and be it

FURTHER RESOLVED, This Commission further declares the Property to be “exempt surplus land” under California Government Code Section 54221(f)(1)(D) because “a local agency is transferring [the Property] to another local, state, or federal agency for the agency’s use”; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager of the SFPUC and/or City’s Director of Property to seek approval from the Board of Supervisors to execute and deliver a quitclaim deed as contemplated by the Sale Agreement to convey the Property to the Park District; and, be it

FURTHER RESOLVED, That this Commission asks the Board of Supervisors to determine, in accordance with Section 23.3 of the Administrative Code, that a competitive bidding process for the conveyance of the Property is impractical and impossible because the Property is landlocked, remote, and, thus, is extremely unlikely to be capable of independent development; and, be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves, and authorizes all actions heretofore taken by any City official in connection with the Sale Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of the Sale Agreement; and, be it

FURTHER RESOLVED, That, upon approval by City’s Board of Supervisors and the Mayor, this Commission authorizes and directs City’s Director of Property to execute the Deed, and the SFPUC General Manager to execute the and deliver the Sale Agreement to the Park District; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the City’s Director of Property and/or the SFPUC General Manager to enter into any amendments or modifications to the Deed or the Sale Agreement, including without limitation, the exhibits, that City’s Director of Property and/or the SFPUC’s General Manager determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Sale Agreement or this Resolution; and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the SFPUC General Manager and/or City's Director of Property to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of October 27, 2020.

A handwritten signature in black ink that reads "Alonna Wood". The signature is written in a cursive style with a large initial 'A' and a distinct 'W'.

Secretary, Public Utilities Commission